



South Africa

Country Reports on Human Rights Practices - [2000](#)

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South Africa is a multiparty parliamentary democracy in which constitutional power is shared between the President and the Parliament. The Parliament consists of the National Assembly and the National Council of Provinces. President Thabo Mbeki leads the African National Congress (ANC) party, which holds 266 seats in the 400-seat National Assembly. The Parliament was elected in free and fair elections in June 1999; the Parliament, in turn, elected the President. The country continued to consolidate the democratic transformation initiated by the 1994 elections. The Government includes ministers from the ANC and the Inkatha Freedom Party (IFP) but is dominated by the ANC. The Democratic Party (DP) is the official opposition in the National Assembly. The judiciary, including the Constitutional Court, is independent.

The South African Police Service (SAPS) has primary responsibility for internal security, although the Government continues to call on the South African National Defense Force (SANDF) to provide support for the SAPS in internal security situations. The SAPS continued its major restructuring and transformation from a primarily public order security force to a more accountable, community service-oriented police force; however, it remained understaffed, overworked, and undertrained. The SANDF and the SAPS border control and policing unit share responsibility for external security. The Government continued to train and deploy the new Special Directorate of Investigations (SDI), dubbed "the Scorpions," to coordinate efforts against organized crime. Some members of these forces committed human rights abuses.

The economy continues to undergo important fundamental changes as the Government attempts to shift towards the manufacturing and services sectors and away from a focus on mining and commodities exports. The gross domestic product is \$130 billion, of which manufacturing accounts for 18 percent, services 43 percent, and mining 6 percent. Agriculture, although only 4 percent of the gross national product, is an important source of export earnings. Since the fall of apartheid, foreign investors have used the country as a base of operations for economic expansion into the Sub-Saharan region. The economy is driven largely by market forces, although a lack of competition still exists in some sectors. For example, banking and mining remain tightly controlled by a handful of powerful corporations. Although a privatization program is underway, the State continues to hold majority stakes in the telecommunications, transport, and power sectors. The Government's Growth, Employment, and Redistribution macroeconomic program largely has been successful in controlling inflation and instilling discipline in government spending. Ownership of wealth remains highly skewed along racial lines. The disparity between skilled and unskilled workers is considerable, as is the income distribution gap between white and black, and urban and rural citizens. Official unemployment is approximately 23 percent, although figures are debated widely. A significant number of citizens, particularly blacks, are employed in the largely retail-oriented informal sector. The numerous social and economic problems that developed largely during the apartheid era are expected to persist for many years.

The Government generally respected the human rights of its citizens; however, serious problems remain in several areas. Some members of the security forces committed killings due to use of excessive force, and there were deaths in police custody. In addition to killings by security forces, there were an estimated 166 politically motivated or extrajudicial killings during the first 10 months of the year. The Government took action to investigate and punish some of those involved and to prevent future abuses. Political violence remained a problem; however, it was reduced from 1999 levels, both in KwaZulu-Natal and countrywide. Some members of the security forces were responsible for torture, excessive use of force during arrest, and other physical abuse. The Government took action to investigate and punish some of those involved. Prisons are seriously overcrowded. The judiciary is overburdened, and lengthy delays in trials and prolonged pretrial detention are problems. Violence against women and children, and discrimination against women and the disabled remained serious problems. Child labor, including forced child labor, is a problem. Vigilante violence and mob justice increased during the year. Trafficking in persons is a problem.

The Truth and Reconciliation Commission (TRC), created to investigate apartheid-era human rights abuses, make recommendations for reparations for victims, and grant amnesty for full disclosure of politically motivated crimes, continued its work on a large backlog of amnesty and restitution applications following the release of its 1998 report.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of The Person, Including Freedom From

a. Political and Other Extrajudicial Killing

Police use of lethal force during apprehensions resulted in numerous deaths, and deaths in police custody also remain a problem. The Government took action to investigate and punish some of those involved and to prevent future abuses. The Government's Independent Complaints Directorate (ICD) investigates deaths in police custody and deaths as a result of police action. The ICD reported 511 deaths as a result of police action in the last 8 months of the year, including 186 that occurred while in police custody. These figures represent an increase in the monthly rate of deaths as a result of police action, compared with the estimated 450 deaths as a result of police action that occurred in the first 10 months of 1999. The ICD's report lists the subcategories under deaths in police custody, which include natural causes, suicide, injuries in custody, injuries prior to custody, and possible negligence. The ICD experienced greater cooperation from the police than in the previous year.

On April 10, police in Barkly East in the Eastern Cape province arrested six teenagers for a local burglary. In the course of the arrest, they dragged two of the boys behind their police vehicle, killing a 14 year-old boy. Three police officers were charged with murder, assault and related crimes; their trials were postponed until March 2001. The police officers were released on bail and suspended from duty pending their trials.

On July 30, SAPS members claiming to be searching homes for illegal weapons shot and killed an ANC Member of Parliament, Bheki Mkhize, in his parents' home in Mahlabathini. There was no indication that the officers had a warrant or that they attempted to search other homes in the area. Three officers were charged in the killing; they were released on bail in August, and an investigation into the matter was ongoing at year's end. ANC spokesmen alleged that the police were committing murders for the IFP, the ANC's political rival. There was in fact a consistent pattern of attacks and killings between members of both parties prior to the June 1999 elections.

The TRC continued to consider throughout the year amnesty applications involving apartheid era violence and killings (see Section 4). During the year, a number of applicants were granted amnesty, including Eugene de Kock, the principal of the apartheid government's Vlakplaas unit (although he remains in custody for other crimes); police officers who killed anti-apartheid activist Stanza Bopape; and the IFP members involved in a massacre in Boipatong. On September 7, the TRC granted 11 ANC guards amnesty for their participation in the 1994 killing of 8 IFP demonstrators (see Section 4). The application of Ferdie Barnard of the Civil Cooperation Bureau remained pending at year's end.

Racial tensions in the military between white commanding officers and their black subordinates resulted in several killings during the year. In 1999 a black lieutenant killed six white officers at an army base in Tempe before he was shot and killed. In December 1999, The Ministry of Defense announced the formation of a commission of inquiry into the shootings and into racism within the SANDF in general; the final report had not yet been released by year's end. On July 10, a black platoon commander murdered his white company commander at an army base near Phalaborwa. On September 19, a black navy seaman shot and killed his white commanding officer at Simons Town naval base. Investigations into these killings were ongoing at year's end, but the Defense Minister stated publicly that racism was likely a motivating factor in the cases.

The South Africa Institute for Race Relations, a nongovernmental organization (NGO) concerned with political and extrajudicial killings, reported 166 politically motivated killings during the first 10 months of the year, most of which occurred in the province of KwaZulu-Natal, compared with 286 for the same period in 1999.

In 1999 7 persons were arrested for the 1999 murder of the general secretary of the United Democratic Movement (UDM), Sifiso Nkabinde, and 5 persons were arrested for a retaliatory attack after the murder in which 11 persons associated with the ANC were killed and several others were wounded. Seven suspects in the Nkabinde killing went on trial in March, and five were convicted in October. The trial of the five suspects in custody for the retaliatory attack is scheduled for March 2001. In November 1999, prominent Zulu leader and ANC member Prince Cyril Zulu, was killed by unknown persons. It is not known whether this was a politically motivated killing; a suspect was apprehended, but the trial had not begun by year's end.

The trial of Dr. Wouter Basson was ongoing at year's end. Basson was the head of the chemical warfare program under the former apartheid regime, and faces 61 charges including 30 counts of murder, fraud, and narcotics trafficking. During his trial, it was revealed that the former apartheid regime was involved in the murders of hundreds of members of the Namibian Liberation Movement between 1980 and 1987. The trial was ongoing at year's end.

There was no further action on the March 1999 killing in Cape Town of one ANC member and four UDM members.

A peace process continued between the IFP and the ANC, the two parties most closely associated with the political violence in KwaZulu-Natal. In May 1999, a special bilateral IFP-ANC Peace Committee signed a provincial code of conduct for peace, which was still in effect during the year. Although violence in KwaZulu-Natal remained higher than in other provinces, resulting in dozens of deaths during the year, including the killings of several ANC and local IFP leaders, there was an improved level of overall tolerance attributable to the IFP-ANC peace process, as well as an increased police presence. However, the committee established to enforce the provincial code of conduct received complaints regarding the intimidation of party members, primarily rural members. Some rural areas in KwaZulu-Natal that previously had experienced violence remained tense, although the overall level of violence continued to decrease. Factional and intraparty rivalry in the Nongoma area continued to cause deaths, and the authorities had limited success in solving the killings. The Public Order Policing Unit from Durban was moderately effective in calming tensions, but investigations continued to be handled by local authorities. There are several theories to explain the violence in KwaZulu-Natal, including a legacy of "warlordism" that fuels interparty conflict, and the actions of criminal elements involved in a Mafia-like illegal trade in drugs, arms, and wildlife. Some observers have blamed an undefined "third force," which allegedly combines criminal and conservative elements determined to undermine the new political order. Observers warn that the fact that the province has not yet been demilitarized and disarmed promotes the area's violence.

Violence in Richmond was reduced significantly during the year due largely to the replacement in 1998 of the regular police force in the area with a special, larger "public order police" force.

There were reports that five persons were killed in an incident that may have been politically motivated during the December 5 local elections in the East Rand area of Johannesburg. Nine suspects were arrested, and eight were charged with the killings. Although it is not known if the shooting was politically motivated, the shooting occurred near a polling place in an area with a history of interparty violence. Three of the eight suspects were charged with murder; they were denied bail and were being held in pretrial detention at year's end. Charges against two suspects were dropped; the other three suspects were charged with reckless endangerment while using a weapon and released on bail. A trial date had not been announced at year's end.

Taxi drivers in crime-ridden neighborhoods were responsible for a continuing series of attacks on rivals. Conflict between taxi companies led to gun battles and other street violence, and resulted in the deaths and injuries of bystanders in several cities. In Cape Town, taxi owners were believed to have instigated attacks and shootings of drivers working for the Golden Arrow bus company. Four drivers were killed and several other persons, including passengers, were injured in a series of attacks. In September one person pled guilty to the bus drivers' murders and was sentenced to 75 years in prison. No arrests were made in connection with the taxi violence in Cape Town that occurred in 1999.

Vigilante action and mob justice increased during the year. In Northern and Mpumalanga provinces, a vigilante group called Mapogo A Mathamaga has grown in membership and has opened offices in at least nine cities, including Pretoria. Mapogo members attacked and tortured, including beating with clubs and whips, suspected criminals, particularly targeting those they suspected of property crimes against their members. In November the Director of Public Prosecutions created a task team to investigate more than 200 cases attributed to Mapogo members in the Northern and Mpumalanga provinces, which included the crimes of kidnapping, murder, assault, and intimidation. In Eastern Cape, the Umfela Ndawonye group also killed and attacked suspected criminals in vigilante violence. People Against Gangsters and Drugs (PAGAD), an Islamic-oriented, community-based organization calling for stronger action against crime and drugs, continued to be suspected of acts of intimidation and violence against drug dealers and gang leaders, and against critics of its violent vigilantism. In September a PAGAD G-force (murder squad) member testified in court that in January he had been ordered by PAGAD leadership to attack a gang stronghold and kill gang members and drug dealers. The Minister of Justice and Minister of Safety and Security publicly charged that PAGAD G-force cells and members of Qibla, an Islamic-based political organization whose membership may share affiliation with PAGAD, were responsible for urban terror incidents in Cape Town throughout the year. These attacks included nine bombings (see Section 1.c.) that caused serious injuries but no deaths. No organization has claimed responsibility for the incidents. Authorities based their accusations against PAGAD on circumstantial evidence regarding attacks linked to PAGAD members' trials, including violence directed against particular courts and police officers, intimidation of witnesses, and the September murder of a regional court magistrate.

who was hearing PAGAD cases. Since November 1998, there have been 16 convictions and 14 acquittals of PAGAD members. Pending cases include 13 charges of murder, 63 charges of attempted murder, 10 charges for possession of explosives, and 18 charges for illegal possession of firearms. In December hundreds of cases were pending against PAGAD members in Western Cape courts, including 40 cases in which bail was denied to the accused. The Muslim community protested the infrequent availability of bail and staged periodic small-scale protests, criticizing the treatment of suspects as unfair compared with the judicial treatment of non-Muslims (see Section 2.c.). There were three sets of murder trials pending at year's end: Ebrahim Jeneker, Abdulla Maansdorp, and Ismail Maansdorp; Moegamat Zain Cornelson and Anees Adams; and Moegamat Isaacs. In August Ebrahim Jeneker and Ismail Edwards, alleged PAGAD members, were charged with the killing of a police captain who had been investigating PAGAD; the trial was pending at year's end.

Murders of farm families in rural parts of the country have received considerable media attention, but data on numbers of attacks have not been available since the SAPS declared an embargo on crime statistics in July (see Section 2.a.). AgriSA, an organization formed in October 1998 to represent farmers' interests, reported 804 attacks on farms and small holdings during the year, usually by black assailants, which resulted in 119 killings of farm owners, most of whom were white. There is widespread concern among white farmers that they are being targeted for racial and political reasons, although no evidence exists that the murders are part of an organized political conspiracy.

There were incidents of abuse and killings of black farm laborers by their white employers. NGO's claim that rural police and courts refuse to arrest or prosecute whites in many incidents. During the year, the HRC launched an investigation into allegations of abuse of black farmworkers, local justice system prejudice against farmworkers, and violence against white farm owners. The HRC report was not released by year's end. (see Section 4).

In December two guards were shot to death in Cape Town in what police believe was a strike-related attack (see Section 1.c. and 6.a.).

In the Northern province, where traditional beliefs regarding witchcraft remain strong, there were occasional reports of attacks on persons accused of witchcraft by their rural communities. Some survivors of attacks and their families were driven from their villages and were living in "witch villages" for safety. The Ministry of Safety and Security with the assistance of the quasigovernmental Commission on Gender Equality and traditional leaders, instituted programs to end violence against suspected practitioners of witchcraft. Traditional leaders cooperated with the programs and reported threats against persons suspected of witchcraft to the police. There reportedly were some prosecutions, although statistics were not available by year's end. Government official